IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17791 of 2004

Between:

Baitul-uloom Hyderabad Educational Society rep., by its Secretary, Hameed Quadri, s/o Azeemuddin Quadri, r/o 21-4-820/1, Durgu House Quadri, Purana Pool, Hyderabad.

..... PETITIONER

AND

1 The Inspector of Police, Bahadurpura Police Station, Hyderabad.
2 The Sub-Inspector of Police, Bahadurpura Police Station, Hyderabad.
3 S.M.Zubaidi, s/o Abdullah Zubaidi, r/o 19-2-11/105, Blooming Birds School, Dopahad Shah Ali Ki Dargah, Kalapather, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents No.1 & 2 interfering in civil dispute unlawfully is illegal, high handed and unauthorised and violative of the rights guaranteed under Article 21 of the Constitution of India and consequently direct the respondents No.1 to 2 not to interfere in civil dispute and forcefully dispossessing the petitioner from the disputed property i.e., Plot No.29 admeasuring 236.00 square yards in Sy.No.23, 27 and 28 situated at Asad Babu Nagar, Kishan Bagh, Hyderabad.

Counsel for the Petitioner: MR.V.NITISH

Counsel for Respondents 1 and 2: GP FOR HOME

Counsel for Respondent No.3: --

The Court at the stage of admission made the following ORDER:

This writ petition is filed seeking a declaration that the alleged action of respondents 1 and 2 in interfering in civil disputes and attempting to dispossess the petitioner from plot No.29, admeasuring 236 Sq.yards in Survey No.23, 27 and 28, situated at Asad Baba Nagar, Kishan Bagh, Hyderabad, as arbitrary and illegal.

On behalf of respondents 1 and 2, Sub-Inspector of Police, Bahadurpura Police Station, Hyderabad filed a counter-affidavit denying the allegations made by the petitioner. It is stated that the petitioner filed a private complaint before the II Metropolitan Magistrate, Hyderabad against the third respondent and the same was referred to the second respondent-Sub-Inspector of Police, Bahadurpura Police, Station, Hyderabad for enquiry and report. On receipt of Memo, a case in Crime No.174/2004 was registered under Sections 420, 467, 468, 480, 427 and 406 IPC and taken up for investigation. It is stated that during the course of investigation, the second respondent served a notice on the petitioner on 9-9-2004 with a request to produce the witnesses and documents to enable the second respondent to proceed further, but the petitioner did not produce any evidence and now the matter is pending. It is also stated that the allegation made by the petitioner as to the interference in respect of the property in question is incorrect and baseless and that a civil suit is pending before the VIII Junior Civil Judge, City Civil Court, Hyderabad. The allegation that the third respondent in collusion with respondents 1 and 2 trespassed into the above said property and made an attempt to dispossess the petitioner is also denied.

In view of what has been stated in the counter-affidavit, no adjudication deserves to be made on merits.

Accordingly, recording the statements of respondents 1 and 2 in their counter-affidavit, the writ petition is disposed of. No costs.

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04-11-2004

kdl

To

1 The Inspector of Police, Bahadurpura Police Station, Hyderabad.
2 The Sub-Inspector of Police, Bahadurpura Police Station, Hyderabad.
3 Two C.Cs. to the Government Pleader for Home, High Court Buildings, A.P.,

Hyderabad, (OUT).

4 Two C.D. Copies.